

REMARKS

This paper is being provided in response to the Final Office Action mailed July 22, 2008, for the above-referenced application and accompanies a Request for Continued Examination (RCE) filed herewith. In this response, Applicants have amended 1, 4, 5, 6, 8, 10, 12, 14, 15, 19 and 23 claims to clarify that which Applicants consider to be the presently-claimed invention. Applicants respectfully submit that the amendments to the claims are fully supported by the originally-filed specification, as discussed below.

The objection to claims 1 and 4 for informalities, to the extent understood by Applicants, is hereby traversed. The Office Action requests correction of claims 1 and 4 that recite a search device, citing to the description of computing components in page 14, line 23 to page 15, line 19 of the specification that are described in relation to a cellular phone terminal unit. Applicants note that the specification discusses the structure and functions of a search server (see, for example, page 12, line 15 to page line 21, see also the computing functions of the server described in more detail on pages 17-20). As discussed below, Applicants submit that one of ordinary skill in the art would understand from the disclosure the structure of a server, or other computer, for performing recited computing functions.

A server is a computer that provides services in connection with a computing network. Pages 14, line 23 to page 15, line 19 discuss examples of basic computing components, including a memory and a processor unit, that perform computing functions in a cellular phone terminal unit via execution of computer programs held in the memory. Applicants submit that one of ordinary skill in the art would understand components of a server, or any other computer, to

include basic computing components such as a memory and a processor for executing programs held in memory that are used to perform described computing functions. Applicants submit that the discussion of basic computing components, such as a processor and memory, specifically discussed in the context of one computing device is sufficient support for those same types of basic computing components in other disclosed servers to perform described computing functions. Accordingly, Applicants respectfully submit that the recitation in claims 1 and 4 of a search device having the recited computing components performing the recited computing functions would be clearly understood by one of ordinary skill in the art and is fully and adequately disclosed in the originally-filed specification. In view of the above, Applicants respectfully request that the objection be reconsidered and withdrawn.

The rejections of claims 1, 4, 5 and 6 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement has been addressed herein in accordance with the remarks set forth in the Office Action and is hereby otherwise traversed. The Office Action suggests that the feature of "the data corresponding to information showing a capacity included in an information request command" is unclear and is not described in the specification. Applicants have amended the claims to clarify that which is recited by Applicants as the presently-claimed invention and submits that the specification fully describes this feature. Applicants provide the following remarks to facilitate the Examiner's understanding of the presently-claimed invention.

In Applicants' claimed system, the data (e.g., a tune or image) that is provided by the content providing server (e.g., that stores contents including tunes or images) corresponds to the

capacity information (e.g., image or voice (sound) display capacity) of a terminal unit (e.g., cellular phone terminal unit) that is sent in the information request command (e.g., concerning the cellular phone terminal unit, such as GET <http://meloJAM.com/index.html> HTTP/1.1 V-SH02x-color:C4096 x-sound:2/6KB", see, e.g., page 19, bottom). For example, "V-SH02" corresponds to the model name of the cellular phone terminal unit (see page 19, bottom) and "x-sound:xxx" indicates the voice display capacity of the type of cellular phone unit (see page 21, top). Accordingly, search results that are returned to the cellular phone terminal unit contain data concerning a tune or image (e.g., tune AAA) *that corresponds to the capacity of the cellular phone terminal unit*, that is, for example, the capacity of the cellular phone for displaying a tune or image. (See, for example, page 24 of the originally-filed specification.) Applicants submits that these features would be clearly understood by one of ordinary skill in the art and are sufficiently described in the specification. Accordingly, Applicants respectfully request that the rejection be reconsidered and withdrawn.

Further, Applicants are unclear to as the discussion in the Office Action on page 4 of "having more characters than the restricted character set" being a feature that the Office Action indicates will not be addressed. The indicated "feature" does not appear in any of the pending claims. Accordingly, Applicants point out that there is no such feature of the pending claims that would require addressing.

The rejection of claims 1, 4, 5, 6, 7, 9, 11 and 13 under 35 U.S.C. 112, second paragraph, as being indefinite have been addressed by amendments contained herein in accordance with the guidelines and remarks set forth in the Office Action. Applicants refer to the discussion above

concerning the features of the claims and submits that that these features would be clearly understood by one of ordinary skill in the art. Accordingly, Applicants respectfully request that the rejection be reconsidered and withdrawn.

The rejection of claims 5, 6, 11-14 and 23-26 under 35 U.S.C. 101 as being directed to non-statutory subject matter has been addressed by amendments contained herein and is otherwise traversed. Applicants have amended the claims to clarify that the claims recite servers or other computing devices having computing components for carrying out recited functions. Applicants refer to MPEP 2106.01 ("When functional descriptive material [data structures and computer programs which impart functionality when employed as a computer component] is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized") and respectfully submit that the claims recite statutorily patentable subject matter. Applicants note above the discussion concerning the disclosure in the specification of server structures and basic computing components of computing devices, such as a server that operates to perform described computing functions. Applicants submit that the claims are not directed to "software *per se*." Accordingly, Applicants respectfully request that the rejection be reconsidered and withdrawn.

The rejections of claims 1-26 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,983,310 B2 to Rouse (hereinafter "Rouse") is hereby traversed and reconsideration is respectfully requested in view of the amendments to the claims contained herein.

Independent claim 1, as amended herein, recites a search device providing a search service about data provided by a contents providing server capable of providing contents, the data provided by the contents providing server corresponding to information showing a capacity of a terminal unit included in an information request command. The search device includes at least one processor that executes computer programs stored on a computer-readable medium, the computer programs including executable code. The executable code provides a crawling means for searching an address of said contents by using the information showing the capacity of the terminal unit according to a typical model of the terminal unit in a model group, the model group being set according to the capacity. The executable code provides a search index holding the address of the contents obtained by said crawling means in correspondence to an identifier that identifies the terminal unit in the model group at a time of crawling. The executable code provides a searching means for gobbling down the address of the contents in said search index in correspondence to the identifier included in the information request command from the terminal unit. Claims 2, 3, 7 and 8 depend from independent claim 1.

Independent claim 4, as amended herein, recites a search device providing a search service about data provided by a contents providing server capable of providing contents, the data provided by the contents providing server corresponding to information showing a capacity of a terminal unit included in an information request command and a key word. The search device includes at least one processor that executes computer programs stored on a computer-readable medium, the computer programs including executable code. The executable code provides a crawling means for searching a predetermined address corresponding to said contents by using the information showing the capacity of the terminal unit according to a typical model

of the terminal unit in a model group, the model group being set according to the capacity. The executable code provides a search index holding the predetermined address corresponding to the contents obtained by said crawling means in correspondence to an identifier that identifies the terminal unit in the model group at a time of crawling. The executable code provides a searching means for gobbling down the predetermined address in said search index in correspondence to the key word and the identifier included in the information request command from the terminal unit. The executable code provides a search result generating means for generating a search result including said predetermined address and the data. Claims 9 and 10 depend directly or indirectly from independent claim 1.

Independent claim 5, as amended herein, recites an information searching system that includes a contents providing server capable of providing contents, the contents provided by the contents providing server including data corresponding to information showing a capacity of a terminal unit included in an information request command and a key word. The system further includes a search device, coupled to the contents providing server, having at least one processor that executes computer programs stored on a computer-readable medium, the computer programs including executable code. The executable code provides a crawling means for searching a predetermined address corresponding to said contents by using the information showing the capacity of a typical model of the terminal unit in a model group, the model group being set according to the capacity. The executable code provides a search index holding the predetermined address of the contents obtained by said crawling means in correspondence to an identifier that identifies the terminal unit in the model group at a time of crawling. The executable code provides a searching means for gobbling down the predetermined address in

said search index in correspondence to the key word and the identifier included in the information request command from the terminal unit. The executable code provides a search result generating means for generating a search result including said predetermined address and the data.

Independent claim 6, as amended herein, recites an information searching system that includes a contents providing server capable of providing contents, the contents provided by the contents providing server including data corresponding to information showing a capacity of a terminal unit included in an information request command and a key word. The system further includes a search device, coupled to the contents providing server, having at least one processor that executes computer programs stored on a computer-readable medium, the computer programs including executable code. The executable code provides a crawling means for searching a predetermined address corresponding to said contents by using the information showing the capacity of a typical model of the terminal unit in a model group, the model group being set according to the capacity. The executable code provides a search index holding the predetermined address of the contents obtained by said crawling means in correspondence to a an identifier that identifies the terminal unit in the model group at a time of crawling. The executable code provides a searching means for gobbling down the predetermined address in said search index in correspondence to the key word and the identifier included in the information request command from the terminal unit. The executable code provides a search result generating means for generating a search result including said predetermined address and the data. Claims 13 and 14 depend from independent claim 6.

Independent claim 15, as amended herein, recites a method for providing a search service including providing a server that includes data. The method includes receiving, at the server, a request generated for a requesting device corresponding to the data in the server, wherein the request includes capacity information of the requesting device and identification information of the requesting device. The method includes searching the data in the server according to the capacity information of the requesting device and according to the identification information of the requesting device. The method includes sending at least a portion of the data in the server to the requesting device in response to the request, wherein the portion of the data corresponds to the capacity information of the requesting device. Claims 16, 17 and 18 depend from independent claim 15.

Independent claim 19, as amended herein, recites a method for requesting data from a server including sending a request generated for a requesting device to the server, wherein the request corresponds to data in the server, and wherein the request includes capacity information of the requesting device and identification information of the requesting device. The method further includes receiving, at the requesting device, at least a portion of the data from the server, wherein the portion of the data corresponds to the capacity information of the requesting device. Claims 20, 21 and 22 depend from independent claim 19.

Independent claim 23, as amended herein, recites an information providing server group including at least one information providing server. The at least one information providing server includes a computer-readable information storage portion that stores information corresponding to a request generated for a requesting device, the request including capacity

information of the requesting device and identification information of the requesting device. A content server is coupled to the information storage portion and provides at least a portion of the information to the requesting device in response to the request, wherein the portion of the information provided by the content server varies according to the capacity information of the requesting device and according to the identification information of the requesting device, and wherein the portion of the information provided to the requesting device corresponds to the capacity information of the requesting device. Claims 24, 25 and 26 depend from independent claim 23.

The Rouse reference discloses a system and method for providing search capabilities on a wireless device. Search criteria may include searching messages (e.g., emails, memos, and/or other correspondence and documents) based on various fields, such as sender data subject and other parts of a message. The Office Action cites principally to col. 5, lines 1-5; col. 4, lines 51-53; col. 6, lines 4-23; col. 16, lines 10-15; and col. 20, lines 15-49, among other citations, in rejecting Applicants' independent claims.

Applicants' independent claim 1, as amended herein, recites at least the features of searching using data provided by a contents providing server that corresponds to information showing a capacity of a terminal unit included in an information request command from the terminal unit and specifically including use of a crawling means for searching an address of said contents by using the information showing the capacity, among other features. For purposes of non-limiting example and illustration only, Applicants refer to Figures 1 and 2, for example, and the corresponding description in the originally-filed specification. An information request

command is sent from a cellular phone terminal unit to an HTTP server that analyzes the request. The information request command includes information showing a capacity of the cellular phone terminal unit and is communicated to the server and other computing devices that store contents related to the request. For example, the contents may include a tune or an image (see, for example, storage portions 111, 211 in Figure 1). A crawling means searches an address of the contents (tune, image, etc.) using the information showing the capacity of the terminal unit according to a typical model of the terminal unit in a model group, the model group being set according to the capacity. The crawling operation is executed using the capacity information of the terminal unit contained in the request. A search index holds the address of the contents (e.g., tune) obtained by the crawling means in correspondence to an identifier of a cellular phone in the model group at a time of crawling. A searching means downloads the address of the contents in the search index that corresponds to the identifier included in the information request command from the cellular phone terminal unit.

Concerning Applicants' recited features of a crawling means, the Office Action cites to col. 5, lines 1-5 of Rouse: "The present invention enables IT managers, system administrators and other authorized entities with enhanced security features that may include the ability to restrict the devices and wireless services that are allowed to access information and/or data". However, this portion of Rouse discloses security features concerning allowed access of a device or wireless service to information and data. In contrast, Applicants' presently-claimed invention concerns *capacity of a terminal unit* to display data. Specifically, Applicants' system provides for communicating a capacity of a terminal unit as part of a request for data (e.g., a tune or image). The response to that request is based on that capacity information, and the data that is

provided to the terminal unit corresponds to the capacity of the terminal unit (e.g., the data provided, such as a tune or image, has a size that corresponds to the capacity of the terminal unit). Rouse is entirely silent on this point. Controlling security access to information does not disclose the providing of information the corresponds to *capacity* of a terminal unit or other requesting device for displaying the data that is communicated to an information storage device in the request thereto.

On page 15, the Office Action cites to col. 6, lines 4-6 and lines 13-15 as indicating that Rouse's disclosure anticipates Applicants' claimed invention concerning the use of capacity information of a terminal unit. The Office Action cites to Rouse's disclosure that: "Servlet subsystem may be a class derived from a HTTP servlet base class that receives Get, Post and other requests from a device, such as a mobile device..." and "each request with user data, HTTP header information, session identifier and other information." Nothing about this disclosure in Rouse concerns the providing of capacity information for display of data (e.g., tune or image) on a terminal unit and the response thereto of a system that provides such content. Simply referring to the term "other information" in Rouse does not disclose, anticipate, or otherwise even suggest providing capacity information of a terminal unit in a request for data and using that capacity information for the terminal unit in providing data responsive to the request, as is recited by Applicants.

As noted in the specification, in the case that a search is executed without taking the capacity of the cellular phone terminal unit into consideration, the information which cannot be utilized is included in the search result, and it is necessary for the user to determine whether or

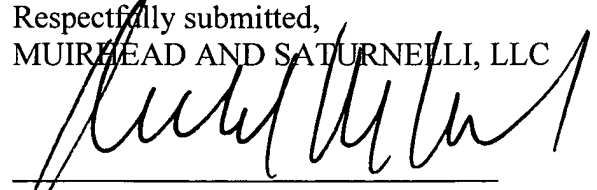
not the information is constituted by the contents which can be displayed by the cellular phone terminal unit. (See, for example, page 29, lines 6-15 of the originally-filed specification.) In contrast, according to the recited system, Applicants have found that it is possible to reduce the number of operations of the user until the user downloads available content and it is possible to reduce the possibility of accessing tune data which cannot be utilized by the cellular phone terminal unit thereby reducing wasteful traffic. (See, page 29, bottom to page 30, top of the originally-filed specification.) Further, since the crawling is executed per the model group of the cellular phone terminal unit and set according to the kind of contents such as tune data, image data or the like, it is possible to limit the number of the access with respect to the information providing server corresponding to the capacity of the cellular phone terminal unit. (See, for example, page 30, lines 6-15 of the originally-filed specification.)

Accordingly, Applicants submit that Rouse does not teach or fairly suggest at least the above-noted features that are claimed by Applicants. In view of the above, Applicants respectfully request that the rejection be reconsidered and withdrawn.

The features of the other independent claims 4, 5, 6, 15, 19 and 23 recite features corresponding to those discussed above in connection with independent claim 1 with respect to the cited prior art. Accordingly, Applicants respectfully submit that these claims, and the claims depending therefrom, are all patentable over the cited prior art.

Based on the above, Applicants respectfully request that the Examiner reconsider and withdraw all outstanding rejections and objections. Favorable consideration and allowance are earnestly solicited. Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at 508-898-8603.

Respectfully submitted,
MUIRHEAD AND SATURNELLI, LLC



Donald W. Muirhead
Registration No. 33,978

Date: November 17, 2008

Muirhead and Saturnelli, LLC
200 Friberg Parkway, Suite 1001
Westborough, MA 01581
Phone: (508) 898-8601
Fax: (508) 898-8602

Customer No. 54004